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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,312	02/06/2002	Donald B. Harbin	P12245	9979

7590

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EXAMINER

DALENCOURT, YVES

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/071,312

Applicant(s)

HARBIN ET AL.

Examiner

Yves Dalencourt

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 18-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-27 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/06/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is responsive to communication filed on 02/06/02.

#### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I        Claims 1 – 9 and 18 - 27, drawn to a system comprising a communication adapter coupled to a transmission medium to transmit and receive data according to a network protocol, classified in class 709, subclass 202.

Group II        Claims 10 - 17, drawn to a method of discovering storage resources of one or more storage nodes coupled to a data bus, classified in class 707, subclass 10The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group II has separate utility such as in a distributed or remote access of storage resources in a database environment. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Edmund P. Pfleger on 09/13/05 a provisional election was made without traverse to prosecute the invention of Group I, claims 1- 9 and 18 - 27. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10 – 17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 6, 9 and 18, 19, and 21 - 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Cayton et al (US 2003/0043794; hereinafter Cayton).

Regarding claims 1, 18 - 19, and 24 – 25, Cayton teaches a system and a storage node comprising a communication adapter coupled to a transmission medium to transmit and receive data according to a network protocol (paragraph [0042]); a data bus coupled to one or more storage nodes, each storage node comprising storage resources and logic to transmit data to or receive data from a storage medium according to an input/output format (paragraphs [0028 - 0029] and [0044]); and a processing system to host a common transport agent, the common transport agent comprising a first interface comprising one or more method interfaces to communicate with each storage node independently of the input/output format of the storage node (paragraphs [0031 - 0032], [0042], and [0046]). Claim 18 adds the limitation of an I/O controller to store data and retrieve data from a storage medium according to an I/O format (paragraphs [0027] and [0041]).

Regarding claims 2 and 26, Cayton teaches the system of claim 1 and the storage node of claim 18, wherein the processing system further comprises a unit management agent to discover the storage resources of the storage nodes and post an indication of the discovered storage resources to the network (paragraph [0044]; Cayton discloses that each system using a virtual interface (VI) architecture may contain work queues formed in pairs including inbound and outbound queues in which requests, in the form of descriptors, are posted to describe data movement operation and location of data to be moved for processing and/or transportation via a switched fabric 100').

Regarding claim 3, Cayton teaches the system of claim 2, wherein the unit management agent comprises logic to establish a connection between a client on the network and a storage node in response to a connection request from the client (paragraph [0035]).

Regarding claim 4, Cayton teaches the system of claim 1, wherein the system further comprises a plurality of storage nodes coupled to the data bus (paragraph [0028]).

Regarding claim 5, Cayton teaches the system of claim 4, wherein each of the storage nodes comprises: an input/output controller coupled to a storage medium to store data in or retrieve data from the storage medium according to an input/output format (210, 212, fig. 4); and a processing system to host a device driver module to communicate with the input/output controller according to the input/output format (paragraph [0036]); and a remote transport agent to communicate with the first interface of the common transport agent independently of the input/output format (paragraphs [0027] and [0041]).

Regarding claim 6, Cayton teaches the system of claim 4, wherein each of the storage nodes is coupled to a redundant array of independent disks through an input/output channel (paragraph [0027]).

Regarding claims 9, 21, and 22, Cayton teaches the system of claim 1 and the node of claim 18, wherein the common transport agent further comprises a second interface comprising one or more method interfaces to communicate with the network

adapter, the one or more method interfaces of the second interface being independent of the network protocol (fig. 6; paragraph [0046]).

Regarding claim 23, Cayton teaches the node of claim 18, wherein the processing system comprises a memory and the interface comprises one or more method interfaces to initiate remote direct memory access transactions to transfer data between buffers in the memory and the storage medium (paragraph [0041]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7, 8, 20, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cayton et al (US 2003/0043794; hereinafter Cayton) in view of Chou et al (US 2002/0087663; hereinafter Chou).

Regarding claims 7, 8, 20, and 27, Cayton teaches substantially all the limitations in claim 1, but fails to specifically teach that the input/output channel comprises one of a small computer system interface and serial ATA adapter; and wherein the network protocol comprises a network protocol selected from one of Infiniband and TCP/IP.

However, Chou teaches, in an analogous art, a remote order entry system and method, wherein the input/output channel comprises one of a small computer system interface and serial ATA adapter; and wherein the network protocol comprises a network protocol selected from one of Infiniband and TCP/IP (paragraph [0024]).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized an input/output channel that comprises one of a small computer system interface and serial ATA adapter; and wherein the network protocol comprises a network protocol selected from one of Infiniband and TCP/IP in Cayton's device as evidenced by Chou for the purpose of enabling data transfer between the host computers and the storage controllers.



### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Loren Christensen (US Patent Number 2002/0040393) discloses a high performance distributed discovery system.

Lolayekar et al (US Patent Number 2003/0079018) discloses a load balancing in a storage network.

Sutherland et al (US Patent Number 2002/0114341) discloses a peer-to-peer enterprise storage.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt  
  
September 16, 2005